



State of Utah

Department of  
Environmental Quality

Dianne R. Nielson, Ph.D.  
*Executive Director*

DIVISION OF SOLID AND  
HAZARDOUS WASTE  
Dennis R. Downs  
*Director*

JON M. HUNTSMAN, JR.  
*Governor*

GARY HERBERT  
*Lieutenant Governor*

May 22, 2006

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Shane Whitney  
Facility Manager  
Clean Harbors Grassy Mountain, LLC  
P.O. Box 22750  
Salt Lake City, Utah 84122-0890

SUBJECT: STIPULATION AND CONSENT ORDER for resolution of NOTICE OF  
VIOLATION No. 0601004  
UTD991301748

Dear Mr. Whitney:

Enclosed please find STIPULATION AND CONSENT ORDER (No. 060313) for resolution of NOTICE OF VIOLATION No. 601004 issued to Clean Harbors Grassy Mountain Facility, LLC on February 9, 2006. The enclosed STIPULATION AND CONSENT ORDER reflects our discussions of the May 17, 2006 meeting. This copy of the Stipulation and Consent Order will be presented to the Utah Solid and Hazardous Waste Control Board in the June 8, 2006 board meeting as an information item.

Also enclosed with this letter are the penalty calculation sheets for each violation's proposed penalty, which totals \$4,035.00. The 30-day public comment period is scheduled to begin on May 23, 2006 and conclude June 22, 2006. Upon approval by the Board, the SCO will be sent to Clean Harbors Grassy Mountain Facility, LLC for signature. The time frames in the SCO will then become effective upon the signature and dating by the Executive Secretary.

If you have any questions, please contact Ed Costomiris at 538-6208.

Sincerely,

Dennis R. Downs, Executive Secretary  
Utah Solid and Hazardous Waste Control Board

DRD/EGC/ts

Enclosures

## BEFORE THE UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD

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In the Matter of:	:	<u>STIPULATION AND</u>
Clean Harbors Grassy Mountain, LLC	:	<u>CONSENT ORDER</u>
UTD991301748	:	<u>No. 0603013</u>
	:	
	:	

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This **STIPULATION AND CONSENT ORDER** is issued by the UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD (the Board) pursuant to the Utah Solid and Hazardous Waste Act (the Act), §19-6-101, et seq., Utah Code Annotated (1953, as amended).

### JURISDICTION

1. The Board has jurisdiction over the subject matter of this CONSENT ORDER pursuant to §19-6-112 Utah Code Annotated (1953, as amended), and jurisdiction over Clean Harbors Grassy Mountain LLC. Clean Harbors Grassy Mountain, LLC and the Board are the parties to this ORDER.

### FINDINGS

2. Clean Harbors Grassy Mountain, LLC (hereafter referred to as the Grassy Mountain Facility) is a Delaware company licensed to do business in Utah and is a subsidiary of Clean Harbors Inc. The Grassy Mountain Facility was formerly known as the Safety-Kleen Grassy Mountain Facility, Laidlaw Environmental Services, Grassy Mountain Facility, and USPCI Grassy Mountain Facility.
3. Clean Harbors Grassy Mountain, LLC is subject to all applicable provisions of the Act, Utah Administrative Code R315 (the Rules) and the Permit.
4. Clean Harbors Grassy Mountain, LLC generates listed and characteristic hazardous waste as defined by R315-2 of the Utah Administrative.
5. Clean Harbors Grassy Mountain, LLC operates a commercial hazardous waste treatment, storage and disposal facility near Knolls in Tooele County, Utah (hereafter referred to as the Grassy Mountain Facility).
6. The Grassy Mountain Facility operates under the provisions of the State-issued RCRA Part B Permit (the Permit) re-issued to Safety-Kleen on May 2, 2001, as modified. The Permit was originally issued to USPCI on June 30, 1988.
7. Authorized representatives of the Utah Solid and Hazardous Waste Control Board

(inspectors) conducted hazardous waste inspections at the Grassy Mountain Facility during the period of October 1, 2004 through September 30, 2005.

8. The Board issued NOTICE OF VIOLATION No. 0601004 (the NOV) on February 9, 2006, alleging violations by Clean Harbors Grassy Mountain, LLC of the Rules and the Permit.
9. Clean Harbors Grassy Mountain, LLC filed a request for a hearing before the Board and a response to the NOV on March 2, 2006.

### **STIPULATION AND CONSENT ORDER**

10. The parties now wish to fully resolve the NOV without further administrative or judicial proceedings. By entering into this CONSENT ORDER, Clean Harbors Grassy Mountain, LLC withdraws its request for a hearing.
11. In full settlement of the violations alleged in the NOV, Clean Harbors Grassy Mountain, LLC shall pay the sum of \$4,035.00 to the Utah Department of Environmental Quality, c/o Dennis R. Downs, Executive Secretary, Utah Solid and Hazardous Waste Control Board, Utah Department of Environmental Quality, Division of Solid and Hazardous Waste, State of Utah, P.O. Box 144880 Salt Lake City, Utah 84114-4880. This amount has been determined in accordance with the Board's Civil Penalty Policy, which considers such factors as gravity of the violation(s), good faith efforts to comply or lack of good faith, degree of willfulness or negligence, history of compliance or noncompliance, ability to pay, and other factors. Full payment shall be made within thirty days of the effective date of this CONSENT ORDER.

### **EFFECT OF CONSENT ORDER**

12. For the purpose of this CONSENT ORDER, the parties agree and stipulate to the above stated facts. The stipulations contained herein are for the purposes of settlement and shall not be considered admissions by any party and shall not be used by any person related or unrelated to this CONSENT ORDER for purposes other than determining the basis of this CONSENT ORDER. Nothing contained herein shall be deemed to constitute a waiver by the State of its right to initiate enforcement action, including civil penalties, against Clean Harbors Grassy Mountain, LLC in the event of future non-compliance with this CONSENT ORDER, with the Act, with the Rules, or with the Permit, nor shall the State be precluded in any way from taking appropriate action should such a situation arise again at the Clean Harbors Grassy Mountain, LLC Facility. However, entry into this CONSENT ORDER shall relieve Clean Harbors Grassy Mountain, LLC of all liability for violations, which did arise or could have arisen with respect to the allegations contained in the NOV.

**EFFECTIVE DATE**

13. This CONSENT ORDER shall become effective upon execution by Clean Harbors Grassy Mountain, LLC and the Executive Secretary of the Board.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006

Clean Harbors  
Grassy Mountain, LLC

Utah Solid and Hazardous Waste  
Control Board

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Shane Whitney  
Facility Manager

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Dennis R. Downs  
Executive Secretary

DRD/EGC/tm

**GRASSY MOUNTAIN FACILITY  
NARRATIVE EXPLANATION TO SUPPORT  
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 0601004

violation number (from NOV) 1

NOV date: February 9, 2006

violation description: Storage Over One  
Year

**Gravity Based Penalty**

Potential for Harm – MINOR -- Although the container was on site for longer than one year, the container was managed in accordance with the Permit and Rules.

Extent of Deviation – MINOR – In the course of the year, this was the only container that exceeded the one year limit established in Permit Condition III.E.4.

**Multiple/Multi-day** – The container of waste arrived at the facility on July 6, 2004. The waste was disposed on August 3, 2005. The container was in storage for 27 days over one year.

**Adjustment Factors (if applicable)**

Good faith – Grassy Mountain identified and self reported two of the three rolloff boxes (that were storage over a year) as a result of their corrective action. -15%

Willfulness/Negligence – N/A

History of Compliance or Noncompliance – N/A

Ability to pay – N/A

Other Unique Factors – N/A

**Economic Benefit** – N/A

**Recalculation of Penalty based on New Information** – N/A

**GRASSY MOUNTAIN FACILITY  
NARRATIVE EXPLANATION TO SUPPORT  
PENALTY AMOUNT FOR PROPOSED STIPULATION AND CONSENT ORDER**

NOV # 0601004

violation number (from NOV)   2  

NOV date: February 9, 2006

violation description:   Untimely  
Notification  

**Gravity Based Penalty**

Potential for Harm – MINOR – The untimely notification of storage over one year is considered minor in regards to potential for harm. The container was still managed in an acceptable fashion.

Extent of Deviation – MINOR – The Grassy Mountain notification for storage longer than one year was seven days late.

**Multiple/Multi-day** – Not appropriate in the context of the violation.

**Adjustment Factors** (if applicable)

Good faith – N/A

Willfulness/Negligence – N/A

History of Compliance or Noncompliance – N/A

Ability to pay – N/A

Other Unique Factors – N/A

**Economic Benefit** – N/A

**Recalculation of Penalty based on New Information** – N/A

violation number (from NOV)		1	2
violation description		Storage over one year	Untimely notification
1.	Gravity based penalty from matrix	<u>\$465</u>	<u>\$155</u>
	(a) Potential for harm	<u>MINOR</u>	<u>MINOR</u>
	(b) Extent of deviation	<u>MINOR</u>	<u>MINOR</u>
2.	Select an amount from the appropriate multiday matrix cell	<u>50</u>	<u>N/A</u>
3.	Multiply line 2 by number of days of violation minus 1 (or other number as appropriate)	<u>\$4,100</u>	
4.	Add line 1 and 3	<u>\$4,565</u>	<u>\$155</u>
5.	Percent increase/decrease for good faith	<u>-15%</u>	<u>0%</u>
6.	Percent increase/decrease for wilfulness/negligence	<u>0%</u>	<u>0%</u>
7.	Percent increase/decrease for history of compliance/noncompliance	<u>0%</u>	<u>0%</u>
8.			
* 8.	Total lines 5 through 7	<u>-15%</u>	<u>0%</u>
9.	Multiply line 4 by line 8	<u>-\$685</u>	<u>\$0</u>
10.	Calculate economic benefit	<u>\$0</u>	<u>\$0</u>
11.	Add lines 4, 9, and 10 for penalty amount to be inserted in the proposed Stipulation and Consent Order	<u>\$3,880</u>	<u>\$155</u>
		<u>TOTAL</u>	<u>\$4,035</u>